

Honolulu, Hawaii

MAR - 3 2006

RE: S.B. No. 2295

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Housing,
to which was referred S.B. No. 2295 entitled:

"A BILL FOR AN ACT RELATING TO PRINCIPAL PRIVATE DETECTIVES
AND GUARDS,"

begs leave to report as follows:

The purpose of this measure is to repeal the requirement that
principal detectives and principal guards must be residents of the
State to qualify for licensure.

Additionally, this measure codifies the policies of the State
Board of Private Detectives and Guards (Board) relating to
principal detectives and principal guards.

Testimony in support of this measure was submitted by the
State Board of Private Detectives and Guards. No testimony in
opposition was submitted to your Committee.

The Department of the Attorney General has determined that
the residency requirements contained in sections 463-5 and 463-7,
Hawaii Revised Statutes, are unconstitutional because these
provisions require residency as a condition of licensure. Your
Committee finds that this constitutional defect necessitates the
repeal of these residency requirements.

Your Committee also finds that consumer safety is ensured by
the Board's policy that a principal who is a resident of another
state or jurisdiction can qualify for licensure provided that the
principal is fully responsible for the direct management and

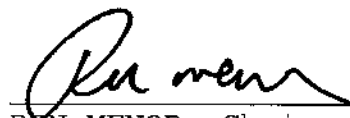


control of the agency or the agency's employees when detective or guard services are being provided in the State. Accordingly, your Committee finds that the codification of this Board policy is appropriate.

Last, your Committee notes that as an agency's business increases, the staffing requirements of the business and the offices of the business also increase. Your Committee finds that the Board's practice to allow an agency to employ more than one principal to aid in the direct management and control of the agency's employees ensures consumer safety and is appropriately codified by this measure.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2295 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Housing,



RON MENOR, Chair



**Record of Votes of the
Committee on Commerce, Consumer Protection and Housing
(Bills and Resolutions)**

*Do not list more than one measure per Record of Votes.